THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :8824 of 2007

DATED:30-04-2007

BETWEEN:

Nersu Venkamma & 3 others.

..... PETITIONERS

AND

The State of Andhra Pradesh,
Rep., by its Principal Secretary to Revenue Department,
Secretariat, Saifabad,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in insisting the petitioners to vacate from their lands of Ac.2.20 cents and Ac.2.60 cents respectively covered by Sy.Nos.1019/2 and 1019/3 of Nuzvidu Municipal limits without acquiring the lands under the provisions of the Land Acquisition Act (for brevity, 'the Act') and without payment of compensation, as illegal, and arbitrary.

3. It is the case of the petitioners that they have been granted D-Form pattas for an extent of Ac.2.20 cents and A.2.60 cents of land in Sy.Nos.1019/2 and 1019/3 of Nuzvidu municipal limits, Krishna District in the year, 1970 and they have been in occupation and enjoyment of the same by cultivating the said land without violating any of the terms and conditions of the D-Form pattas, but however, respondents are making certain attempts to acquire the said land for the purpose of distributing house sites to the landless poor without following due process of law and without acquiring the said land under the Act. It is further stated that even before filing the present Writ Petition petitioners made a

telegraphic representation, dated
27-04-2007, not to assign the said lands for house sites without following due process of law and without acquiring the land, and paying compensation as per the provisions of the Act.

4. Learned Government pleader submits that it is only the apprehension of the petitioners, and therefore, the Writ Petition is premature and liable to dismissed.

5. I am not inclined to express any opinion with regard to the merits of the case, but however, without following due process of law the respondents cannot dispossess the petitioners and cannot acquire the said land.

6. Accordingly, Writ Petition is disposed of directing the respondents to follow due process of law before dispossessing the petitioners from the said lands. No order as to costs.

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V.ESWARAIAH,J

30th April, 2007.
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